# SANTA CLARA VALLEY WATER DISTRICT

## COYOTE CREEK OUTDOOR CLASSROOM PROJECT

# FINAL
# Initial Study and Negative Declaration
## SCH# 2000062108


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**September 5, 2000**


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# FINAL
# NEGATIVE DECLARATION

**DATE:** **September 5, 2000**

**SUBJECT**: Negative Declaration – Coyote Creek Outdoor Classroom Project

Pursuant to California State Public Resource Code and the California Environmental Quality Act (CEQA) Guidelines, as amended to date, the Santa Clara Valley Water District (District) submits a Negative Declaration for the Coyote Creek Outdoor Classroom Project. This project includes:

1. a riparian revegetation area,
2. a native vegetation garden with educational signage,
3. a flood education center and,
4. a creek viewing platform.

The project objective is to provide field educational opportunities for area teachers and students in the area of flood protection. The flood education center will emphasize environmentally sensitive approaches to flood protection. A more detailed description of the features of the project is set forth under the heading, "Description of Project," in the accompanying Initial Study.

**FINDINGS**

The Santa Clara Valley Water District Board of Directors, having reviewed the Initial Study for the proposed Coyote Creek Outdoor Classroom, consisting of the attached document, finds that:

1. The Coyote Creek Outdoor Classroom Project will result in the removal and replacement of 0.05 acres of non-native vegetation with (or mostly with) native riparian vegetation on the west bank of Coyote Creek.
2. The project will not result in significant effects on the environment;
3. The Coyote Creek Outdoor Classroom Project description includes other project features and directly incorporates appropriate best management practices (BMPs) that further minimize or reduce any residual environmental effects; and
4. A Negative Declaration be filed as the appropriate CEQA document for the Coyote Creek Outdoor Classroom.

**BASIS OF FINDINGS**

Based on the District's environmental evaluation, the Coyote Creek Outdoor Classroom will not cause significant adverse effects related to aesthetics, agricultural resources, cultural resources, geology/soils, hazards and hazardous materials, land use/planning, mineral resources, population/housing, pubic services, recreation, transportation/traffic, and utilities/service systems. In addition, substantial adverse effects on human, either direct or indirect, will not occur. The Coyote Creek Outdoor Classroom does not affect any important examples of the major periods of California history or prehistory. Nor will the Coyote Creek Outdoor Classroom cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.

The Coyote Creek Outdoor Classroom Project facilities were designed to avoid, minimize, or reduce impacts to air quality, biological resources, hydrology/water quality, and noise to less-than-significant levels. However standard routine operating procedures and BMPs will be used to assure that potential impacts are further minimized.

The project will enhance the environmental quality of the Coyote Creek by providing improved bank stability and enhanced wildlife habitat value within the riparian and adjacent upland area of the project site through the replacement of non-native vegetation with appropriate native species. The project will also enhance the level of environmental awareness within the community by providing unique educational opportunities to area teachers and students.

For the following reasons, the District concludes that the Coyote Creek Outdoor Classroom Project will not result in significant environmental impacts:

1. No permanent loss of riparian and upland habitat is expected to occur.
2. Because the project footprint is above the ordinary high water mark, no direct impacts to the Coyote Creek water quality and habitat value are expected. Other project features and implementation of appropriate BMPs ensure that there will be no significant impacts.
3. The project will be constructed during the dry season (April 15 to October 15) to avoid potential impacts to the federally listed Central California Coast steelhead and steelhead critical habitat. Standard erosion control BMPs will further protect the downstream habitat.
4. Although no other special status species are expected within the project area, the project incorporates BMP's providing that pre-construction surveys will be conducted and the bird nesting season will be avoided, if nests are present.
5. The project's limitations on public access to the project site will result in avoidance of potential impacts to the neighborhood and natural resources during the operation of the classroom . In addition, in the operation of the project school field trips would be under the supervision of District's Education Program coordinator and/or trained teachers

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ATTACHMENTS

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APPENDIX

Appendix A: Public Comments

# 1. BACKGROUND

**1.1 Project Title:** Coyote Creek
Outdoor Classroom Project

**1.2. Lead Agency:** Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

**1.3 Contact Person:** Mr. George Fowler
(408) 265-2607 ext. 2748

**1.4 Project Location:** 789 East William Street at Coyote Creek in the City of San Jose (Figure 1).

**1.5 Project Sponsor:** Santa Clara Valley Water District

**1.6 General Plan Designation:** The General Plan land use designation of the City of San Jose is Low-Density Residential.

**1.7 Zoning:** City of San Jose zoning district is Single Family Residential.

**1.8 Description of Project:**

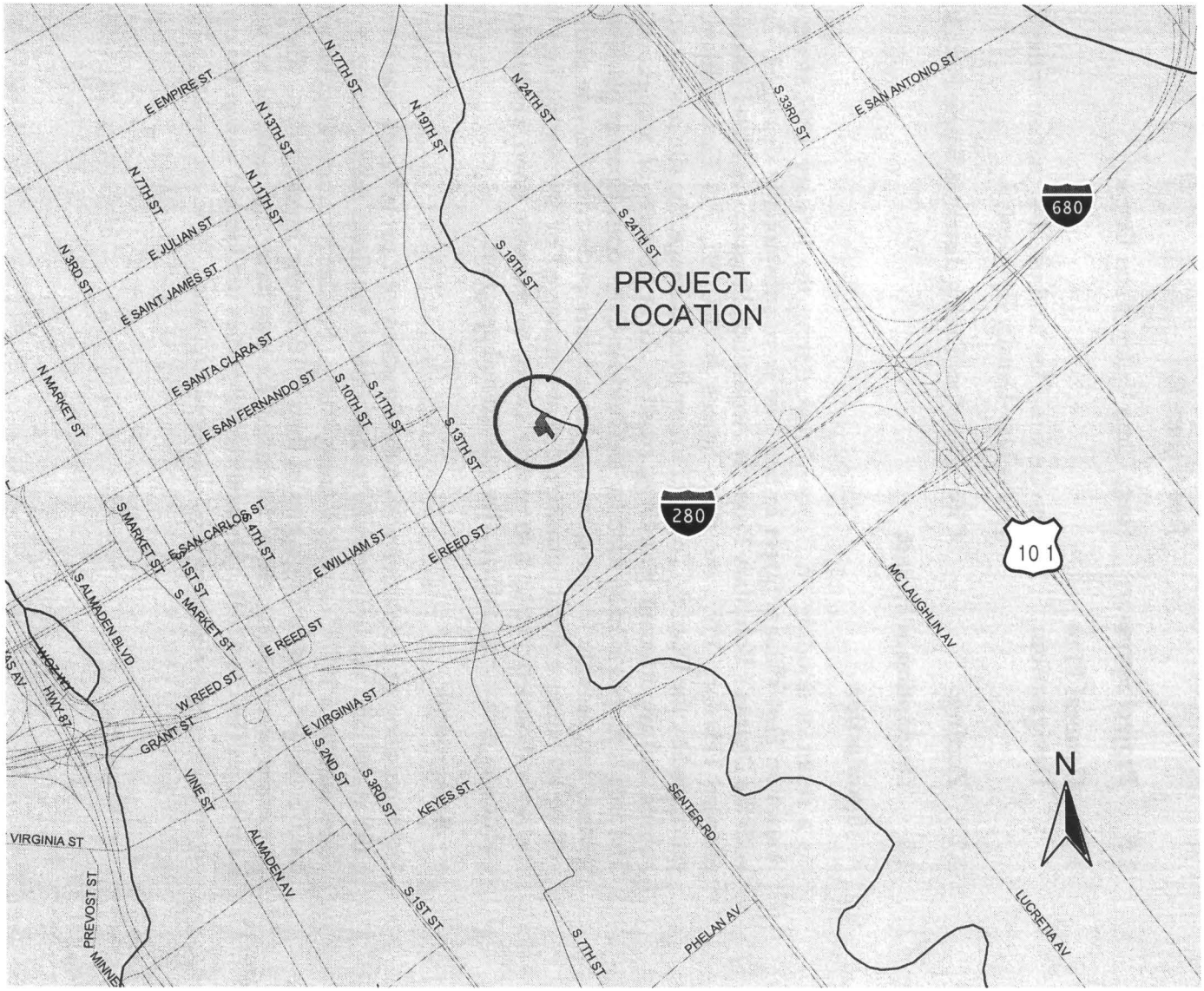
- **Introduction**

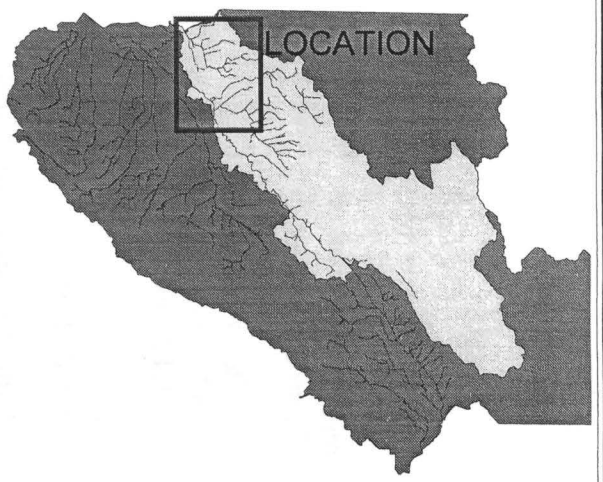
As a result of flooding on Coyote Creek during the January 1997 storm event, three houses on East William Street in San Jose were substantially damaged. In accordance with the District's Voluntary Property Acquisition Program for Flood Hazard Mitigation, adopted February 1997, the three homes at 789, 791, 793 East William Street were purchased by the District. To avoid future flood damage, the site has been cleared of the houses and appurtenant structures, creating about 1.5 acres of contiguous open space. The area is proposed to be used for an Outdoor Classroom, riparian planting and upland terrace, and provide for an easement for a future pedestrian/bicycle path. The center will be an outdoor flood educational center managed by the Santa Clara Valley Water District's (District) Public Information Office to increase flood awareness among the public and provide an informative educational program.

- **Background**

The acquisition of properties within the floodway of Coyote Creek was identified as the most viable and environmentally sound option for flood management in the William Street area by a 1973 District planning study. Similar recommendations were made by the US Army Corps of Engineers in their 1980 Survey Investigation. The three subject properties were among those identified for purchase and removal to mitigate flood damage on Coyote Creek. These three properties are located within the confining high banks of the creek and have been damaged previously by lesser events in 1982 and 1983.

# FIGURE 1 - LOCATION




SANTA CLARA COUNTY

Following the flood event of January 1997, the District developed a Voluntary Property Acquisition Program with criteria to be applied to residences substantially damaged during a flood event. Application of the criteria confirmed that three residences, at 789, 791, and 793 East William Street, were eligible for acquisition by the District under the new Voluntary Property Acquisition Program. With the full cooperation of the resident owners, the District completed purchasing negotiations on the three properties between April and May 1997.

Each of the three homes had over $110,000 in estimated damages from the January flood. If repaired and/or left standing, these structures would have remained subject to frequent flooding, causing future damage to property. The District's prior experience with vacant buildings shows that they can attract nuisance activities such as vandalism, encampments and arson. Therefore, the District determined that demolishing the structures and clearing the land was in the best interest of the District and the community.

In October 1998, the District's Board of Directors (Board) accepted staff's recommendation that the District use the approximate 1.5 acres of acquired property for as-needed riparian mitigation and for a District sponsored community flood education center.

- **Project Setting**

The acquired properties have several unique features that were incorporated into the land use decision making process. The three contiguous properties form approximately 1.5 acres, with .05 acres of the property within the vegetated creek bank. The site is very private with limited street frontage. The site is bordered by ten neighboring yards on three sides and 140 lineal feet of heavily vegetated creek bank on the fourth. A single private road (driveway) runs between existing single-family residences and provides access to all three parcels. Access to the site will be controlled by a locking gate at the top of the driveway.

The site is expected to continue to flood on a regular basis. The magnitude of the January 1997 event was estimated to have a 10- to 15-year return period. During the event, water ponded up to 6 feet deep inside the lower elevation structures. The 1 percent Federal Emergency Management Agency flood elevation is up to 10 feet higher than the existing grade.

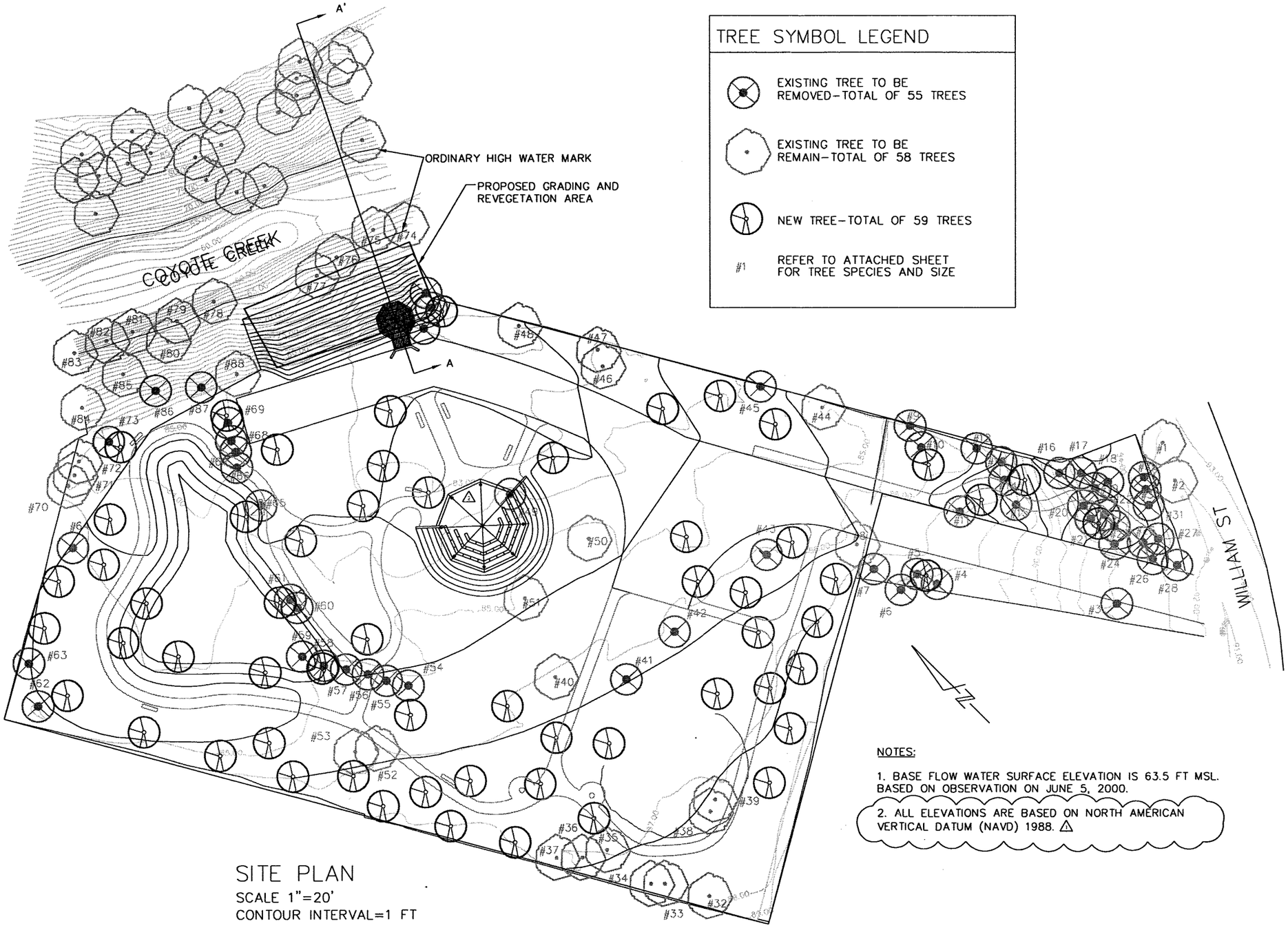
Across East William Street, the City of San Jose has developed a community park and a community center, with play equipment, sport fields, picnic tables, restrooms, and lawn area. Olinder Elementary School is located a short distance from the acquired parcels. A flood education center can be coordinated with these nearby facilities.

- **Project Description**

The District has approved a combined use alternative for the William Street property. This alternative includes creating a riparian revegetation area, a flood education center, and may provide the City of San Jose an easement for a future pedestrian/bicycle path. The proposed project site plan is presented in Figure 2 and representative site photographs are provided in Attachment 2.

## TREE SYMBOL LEGEND

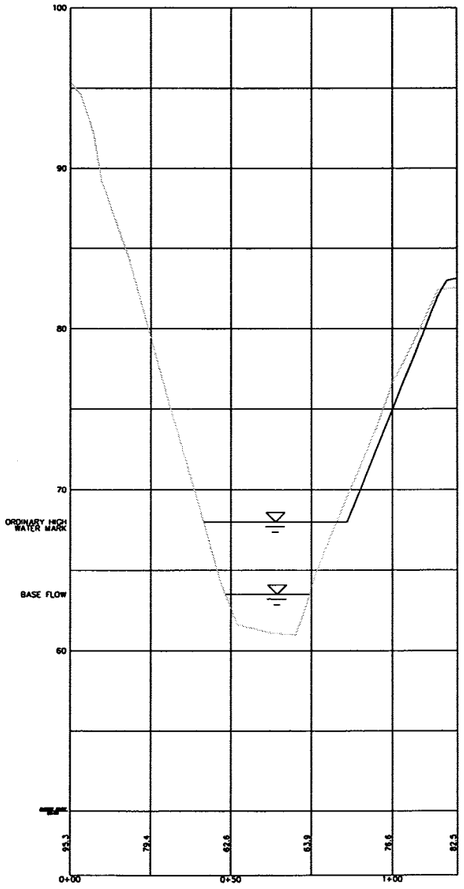
- EXISTING TREE TO BE REMOVED–TOTAL OF 55 TREES
- EXISTING TREE TO BE REMAIN–TOTAL OF 58 TREES
- NEW TREE–TOTAL OF 59 TREES
- #1 REFER TO ATTACHED SHEET FOR TREE SPECIES AND SIZE




SITE PLAN
SCALE 1"=20'
CONTOUR INTERVAL=1 FT

NOTES:

1. BASE FLOW WATER SURFACE ELEVATION IS 63.5 FT MSL. BASED ON OBSERVATION ON JUNE 5, 2000.
2. ALL ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM (NAVD) 1988. △




CREEK SECTION AT VIEWING PLATFORM
NOT TO SCALE

| REV | DESCRIPTION | DATE | APPR |
|---|---|---|---|
| 1 | CORRECTION OF VERTICAL DATUM NOTE | 09/22/00 | MI |
| 2 | NEW LOCATION FOR GAZEBO | 09/22/00 | MI |

REFERENCE INFORMATION AND NOTES

Coyote Creek Watershed
Santa Clara Valley Water District

DATE 08/22/00
DESIGN JJT
DRAWN JJT
CHECKED MI

Santa Clara Valley Water District
ACCEPTED BY DISTRICT
DATE

# COYOTE CREEK OUTDOOR CLASSROOM
## FIGURE 2
## SITE PLAN AND CROSS SECTION

VERIFY SCALES
0 1"
BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SCALE AS SHOWN
SHEET
OF

- *Riparian Revegation Area*

The William Street site contains two habitat zones. There is a riparian area close to the creek where vegetation is supported by creek water or groundwater that is relatively close to the surface. This area is approximately 0.05 acres and is characterized by a few mature cottonwoods, alders and walnuts (Figure 2). The invasive species *Vinca major* (65 percent cover), ivy (15 percent cover), and Himalayan blackberry (5 percent cover) dominate the understory. The remainder of the site, 1.4 acres, is considered "high terrace" or upland area. This type of land is too far above the groundwater table to support riparian vegetation, but would typically support oaks, grasses, or chaparral in its native state. The high terrace area presently supports ornamental landscaping trees (Figure 2/Attachment 1) while the understory supports a non-native grassland community.

There are some sections of the creek which are not well vegetated or are unstable, and will benefit from regrading and planting. The riparian acreage would be slightly increased if the banks were regraded to a lower angle and revegetated with native riparian species. A 140 feet long by 15 feet wide section of the west bank would be graded to an approximate 2:1 slope (from the existing 1.5:1 slope). Revegetating or enhancing this section of the riparian zone would implement the District staff recommendation for use of the acquired properties (SCVWD 1998). This area would be revegetated with appropriate low lying riparian species. Final selection of species will be done during detailed design, but compatible native species would be selected from reference sites located within the Coyote Watershed. Since species selection would be made from ecologically compatible native species, no adverse impact to the riparian habitat would occur.

The high terrace area will also be partially revegetated with upland native vegetation (Figure 2). The site would provide about 0.05 acres of enhanced riparian area and approximately 1.4 additional acres of upland areas.

- *Outdoor Classroom*

The Outdoor Classroom will be an outdoor flood educational center managed by the District's Public Information Office to increase flood awareness among the public. The location and history of the William Street site would provide a unique opportunity for supervised school field trips, with discussions and demonstrations covering flooding, erosion, pollution, water quality, native vegetation, etc. Supervised field trips would be led by the District's Education Program coordinator or by trained teachers. The facility would be available to a potential of 100 schools (K-12). The facility would be operating between September and November and between March and May with no more than 20 field trips per period. School field trips would typically include 20 to 30 students accompanied by 4 teachers. A maximum of ten vehicles would be used by the visitors at each field trip.

Lessons at the site would provide the opportunity for actual studies in the field for both students and teachers. Students will see, first hand, what a floodplain looks like, be able to measure erosion of the creek, and monitor the creek's health through on-site experiments. Teachers can be trained on the protocols for field study experiments in the same environment that they will be using with their students.

The area is useable for flood education immediately. The existing driveway and turnaround would provide site access and parking for as many as ten vehicles and/or a school bus . As shown on Figure 2 (and Attachment 1), most healthy mature trees would remain. All healthy native trees as well as landscape ordinance-sized trees (DBH 18 inches and above at 2 feet above grade) will be preserved, unless they pose an imminent threat/danger to people or property, in compliance with the City of San Jose Heritage Tree Program and Tree Removal Ordinance. The site would be enhanced with native plantings as described above. Physical elements of the outdoor classroom would include educational displays, a gazebo, a flood level gage, a groundwater monitoring well, a small weather station, benches, and creek viewing platform. All of the displays and structures would be floodproofed.

Access to the site would be restricted by an 8-foot fence and a locked gate at the top of the driveway. The William Street Park and Olinder Community Center, located immediately across East William Street, already include restroom facilities, picnic tables, and garbage services, so these services would not be provided on the site. The District will coordinate with the City of San Jose Parks Department to insure availability of these services to facility users during field trips.

- *Viewing Platform*

An additional item included into the Outdoor Classroom is the construction of a small viewing platform overlooking Coyote Creek. From the platform, students will be able to learn about the importance of keeping the streams clean for local wildlife. The platform will be approximately 25 feet above the ordinary high water mark, which is more than sufficient to avoid potential disturbance of fish during migrations and/or spawning.

The design and construction of this platform will be incorporated into the Outdoor Classroom construction this year as long as it does not affect the completed construction date of December 2000. This is an important aspect of the project that could be delayed until the following year in order to open the classroom to the public by December 2000.

- *Pedestrian/Bicycle Path*

The City of San Jose Parks Department has expressed interest in obtaining an easement along the creek corridor for a future pedestrian/bicycle path. The granting of an easement for this future path is not part of the Outdoor Classroom Project and it is our understanding that the City will pursue it whether or not the Classroom Project is developed. For those reasons, and because the description of pedestrian/bicycle path is still speculative, it would be speculative at this time to evaluate the associated potential environmental impacts. However, in the District's judgment the project will not cause any significant cumulative environmental impacts on resources at this site when and if a pedestrian/bicycle path is constructed. The City will review the latter project under CEQA at the appropriate time.

- *Best Management Practices*

Best management practices (BMPs) are methods, measures, or practices that avoid, reduce or minimize a project's effects on various resources. BMPs include, but are not limited to structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, or after construction activities to reduce or eliminate environmental effects. BMPs are part of the project design and/or constitute routine procedures of the District. In contrast, mitigation measures are developed separate from the project design to address specific environmental impacts.

BMPs incorporated into the Coyote Creek Outdoor Classroom Project are identified in Table 1. Not all of the BMPs listed below are for potentially significant effects. Many BMPs are included to further reduce less-than-significant impacts to even lower impact levels as part of the District's commitment to environmental stewardship. In addition, work will also be performed using BMPs as listed in the Districts most current Best Management Practices Plan (SCVWD 1999), which can provide more specific details.

The BMPs included into Table 1 will be incorporated into the project work plans. Activity-specific BMPs will be included in the bid document under the detailed project description. In addition to the BMPs listed in Table 1, District personnel may select appropriate BMPs from the District's Best Management Practices Plan (SCVWD 1999) to address a particular problem.

- *Schedule*

Construction of the entire project is currently scheduled to begin in September 2000, and end in December 2000. Bank grading and revegetation of the riparian area will be the first order of work, since California Department of Fish and Game (CDFG) and National Marine Fisheries Service (NMFS) generally does not allow work to be conducted between creek banks after October 15. As mentioned above, some elements of the project, such as the viewing platform can be delayed to the following year.

## 1.9 Surrounding Land Uses and Setting:

The proposed project site is located within a residential neighborhood. Across East William Street to the south, the City of San Jose has a community park and a community center. Olinder Elementary School is also located a short distance from the project site. Additional information about the existing setting of the project area is provided in the checklist below.

## 1.10 Other agencies whose approval is required:

The Santa Clara Valley Water District will seek permit approval or authorizations from other agencies, as follows.

- **California Department of Fish and Game (CDFG).** The work to be performed on the Coyote Creek bank could require a Streambed Alteration Agreement, under Section 1601 of the Fish and Game Code. As part of the CEQA process, the Department of Fish and Game will also review the project for compliance with the California Endangered Species Act and Section 3503.5 of the Fish and Game Code.
- **City of San Jose**. A preliminary plan review by the City determined that the proposed use of the site will require a Site Development Permit and Environmental Clearance from the City of San Jose. The District submitted an application and the City will confirm compliance with City zoning and building codes and land use plans. It is the District's judgment that the project is consistent with the City's plans, codes and zoning.

Neither a US Army Corps of Engineer's Section 404 permit nor a Regional Water Quality Control Board Section 401 permit is required since the project does not involve the placement of fill below the ordinary high water mark

| Table 1<br>Construction Phase Best Management Practices Incorporated into the Coyote Creek Outdoor Classroom Project | |
|---|---|
| **Water Quality Protection** | |
| 1. | Silt barriers, such as straw bales and silt fences or basins are installed, as necessary, downstream of the work sites to avoid or minimize water quality impacts. |
| 2. | No fueling, cleaning, or maintenance of vehicles or equipment takes place within channel banks to avoid the release of deleterious substances into surface waters. |
| 3. | No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into creek waters. |
| 4. | No equipment shall be operated in stream channels where there is flowing or standing water. |
| 5. | Streets are cleaned of mud and/or dirt by street sweeping, as necessary, and not by hosing down the street. This BMP avoids or minimizes water quality impacts. |
| **Fishery and Aquatic Resources BMPs** | |
| 6. | Work is performed from the spring to fall months when minimum flows are present in the creek. Work is typically completed by October 15 of any year unless permission from CDFG and NMFS is received allowing work to continue past this date. By performing bank grading and revegetation during this period, effects to water quality and aquatic habitats are avoided or minimized. |
| **Habitat Protection BMPs** | |
| 7. | Project areas will be checked by qualified biologists for breeding birds prior to starting work. In areas where breeding birds are likely to occur, work may be delayed until after July 1, which is typically the end of the breeding season; thus, avoiding or minimizing impacts to breeding birds. Work may occur earlier than this date if surveys by biologists do not find breeding birds on site or if an adequate buffer, as determined by a biologist, can be established between construction activities and nests. If breeding birds are found, implementation of a project may be delayed until after breeding is completed. Work may occur if an adequate buffer, as determined by a qualified biologist, can be established between the maintenance activity and nests. This BMP avoids or minimizes impacts to breeding birds in compliance with the Migratory Bird Treaty Act. |
| 8. | To avoid potential impacts to non avian listed species or species of concern including but not limited to as California red-legged frogs (RLF) and southwestern pond turtle, and avian listed species or species of concern , immediately prior to project implementation, a qualified biologist will survey the area containing potential special species habitat to ensure that such species are not present on-site. If turtles are found, biologists will remove them to an area outside of the project limits. If RLF are found, the project will |

| | |
|---|---|
| | not commence until authorization is received from the USFWS. If burrowing owls are found, then biologists will confer with CDFG on appropriate measures and work will not proceed until an agreement is reached with CDFG. |
| **Revegetation BMPs** | |
| 9. | For banks that are scraped, an erosion control seed mix will be used. The mix may consist of California native grasses (*e.g., Hordeum californicum, Elymus glaucus* 'Berkeley,' *Bromus carinatus)* on slopes flatter than 3:1. 'Zorro' Annual Fescue could be added to the mix where slopes are steeper (e.g., 2:1). Another seed mix may be of 'Escort' sterile wheat to provide a year's worth of protection. This mix is used only if further work is required the following year. |
| **Traffic Control BMPs** | |
| 10. | Construction signs are posted at job sites warning the public construction work and to exercise caution. When necessary, a person is provided for traffic control. A lane may be blocked off to allow for trucks to pull into and out of the access points. This BMP avoids or minimizes traffic impacts. |
| 11. | Where work is proposed adjacent to recreational trail, warning signs will be posted several feet beyond the limits of work. Fencing, either the orange safety type or chain link will be installed above the repair sites. Portions of recreational trails may be temporarily closed. Temporary detours may be created and a traffic control person is on-site to minimize conflicts with recreational users. |
| **Noise and Air Quality BMPs** | |
| 12. | Work is conducted during normal working hours (i.e. weekdays between 7:00 a.m. and 7 p.m.).<br>No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet.<br>Excessive idling of vehicles will be prohibited. All vehicles will be equipped with spark arrestors. This BMP avoids or minimizes disturbances to the surrounding neighborhoods. |
| 13. | On-site traffic would be limited to a speed of 15 miles per hour. Watering of the access roads may also occur to control dust. In addition, if excavated material needs to be removed from the site, it will be wetted down or covered during transport control dust. |
| **Cultural Resources BMPs** | |
| 14. | If cultural resources are found, work will stop, the find evaluated for significance, recorded, and, in the case of human remains with concurrence from the Most Likely Descendant (a Native American authorized to represent local tribes), reinterned in an area that is secure. |

## 1.11 Relationship to Other Plans:

The City of San Jose is considering the development of a pedestrian/bike trail along Coyote Creek. It is the District's understanding that this trail would be developed whether or not the Outdoor Classroom is constructed. The District will be coordinating this project with the City and negotiate an easement if required, but this is not part of the Outdoor Classroom Project.

## 1.12 References:

The following references were used in completing this Initial Study. Reference numbers correspond to the numbers shown after checklist questions:

(1) Bay Area Air Quality Management District 1997. *Clean Air Plan.*

(2) City of San Jose. 1994. *San Jose 2020 General Plan.*

(3) California Natural Diversity Database 2000. Search of the California Natural Diversity Database conducted April 12, 2000.

(4) Santa Clara Valley Water District 1999. Best Management Practices Manual for the 1999 Sediment Removal Project. Santa Clara Valley Water District. San Jose, CA.

(5) Santa Clara Valley Water District. 1998. Report of Use Alternatives for Three Acquired Flood Damaged Properties on East William Street at Coyote Creek (Continued from August 18, 1998). Agenda Memorandum. October 6, 1998. Prepared by the Water Resources Group.

## 1.13 List of Preparers:

This initial study was prepared by the Santa Clara Valley Water District staff. Key individuals involved are as follows:

Mark Klemencic, Program Manager
George Fowler, Senior Project Manager
René Langis, Biologist/Author
Valerie Young, AICP, Environmental Planner/Reviewer
Lidia Gutierrez, Project Engineer
Jeffrey Tarantino, Project Engineer

## 2. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

None of the environmental factors listed below would be potentially affected by this project.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology /Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☐ Noise | ☐ Population / Housing |
| ☐ Public Services | ☐ Recreation | ☐ Transportation/Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | |

## 3. ENVIRONMENTAL IMPACTS:

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **I. AESTHETICS.** Would the project: | | | | |
| (a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☑ |

**Comment:** There are no scenic vistas within the project area.

| | | | | |
|---|---|---|---|---|
| (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (3) | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project will enhance the scenic quality of the site by providing a naturalized riparian area and adjacent upland area. This is considered a beneficial impact.

| | | | | |
|---|---|---|---|---|
| (c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The existing visual character of the project area would be altered during the construction. This impact would occur on the Coyote Creek bank during the grading activity and until the planted vegetation has matured in the riparian area. However, the impact would be temporary (approximately one growing season). In the upland area, the visual quality will improve immediately following the planting of native vegetation and the installation of the outdoor classroom. Because visual quality would not be permanently affected, the impact would be less-than-significant.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Construction will occur during the daytime. There will be no light or glare impacts during the operation of the outdoor classroom since operations will be restricted to day-time activities. Therefore, there would be no impact.

**II. AGRICULTURE RESOURCES.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would occur on properties formerly containing residential units that are now part of the Santa Clara Valley Water District right-of-way; the property is not considered farmland. Accordingly, there would be no impact.

| | | | | |
|---|---|---|---|---|
| (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☑ |

**Comment:** See II (a).

| | | | | |
|---|---|---|---|---|
| (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not involve or cause other change that could in any way affect farmlands.

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Conflict with or obstruct implementation of the applicable air quality plan? (1) | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project area is located within the San Francisco Bay Area air basin, which includes Napa, Marin, Contra Costa, San Francisco, Alameda, Santa Clara, San Mateo, and portions of Sonoma and Solano Counties. The Bay Area Air Quality Management District (BAAQMD)is the primary local authority for air quality planning and regulation in this air basin, under the authority of the State and Federal Clean Air Acts. According to the Air District, air quality conditions in the Bay Area are generally good and improving; however, some violations of air quality standards do occur. The Air District has prepared Clean Air Plans to address the Bay Area's attainment of the state ozone standard. The 1997 Clean Air

Plan includes 39 stationary and mobile source control measures and 20 transportation control measures to address attainment of the ozone standard. The proposed project would not conflict with or obstruct implementation of any of these control measures. Therefore, there would be no impact.

| | | | | |
|---|---|---|---|---|
| (b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1) | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project area is located within the Bay Area Air Quality Management District. Currently, the Bay Area, which includes the City of San Jose, is in attainment for all national air quality standards, but is in non-attainment for two pollutants under state standards: ozone (1-hour standard) and fine particulate matter (PM10-both annual mean and 24-hour standards).

The proposed project would generate ozone precursors (primarily $NO_x$) due to the operation of internal combustion engines (e.g., construction equipment, worker commute trips, materials delivery trips). However, this minor amount of construction activities would not violate the control measures of the 1997 Clean Air Plan, and would not generate $NO_x$ in a manner that would violate the BAAQMD $NO_x$ threshold of 150 pounds per day.

Similarly for PM10 emissions, the approximate emission factor for construction is 51 lbs of PM10 per acre per day. The BAAQMD level of significance is 80 lbs of PM 10 per day. Therefore the BAAMQD level of significance is not likely to be reached or exceeded by the project construction activities.

Therefore , the proposed project would not significantly contribute to existing or projected air quality violations, or result in a cumulatively considerable net increase for ozone or PM 10. This impact is less than significant.

| | | | | |
|---|---|---|---|---|
| (c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (1, 2) | ☐ | ☐ | ☑ | ☐ |

**Comment:** See III (b)

| | | | | |
|---|---|---|---|---|
| (d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☑ | ☐ |

**Comment:** Project -related concentration of air pollutants (e.g., carbon monoxide) would occur in the immediate vicinity of construction vehicle activities. Although carbon monoxide can pose health risks in high concentrations, it is not expected that the limited number of construction vehicle operations (as described in the project description) would generate carbon monoxide in a manner that significantly exceeds background levels. Because of the limited extent of construction vehicle operations and the temporary duration of the impact, this impact is considered to be less-than-significant

| | | | | |
|---|---|---|---|---|
| (e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project will not cause any noticeable odor; accordingly, there would be no impact.

**IV. BIOLOGICAL RESOURCES.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (3) | ☐ | ☐ | ☑ | ☐ |

**Comment:** The riparian habitat adjacent to the project area potentially supports special-status species. As a first step in considering the potential effects of the proposed project, the special-status species databases of the U.S. Fish and Wildlife Service and the California Department of Fish and Game were consulted. The information from the database is available upon request. In addition, a reconnaissance-level field survey was conducted on April 11, 2000 by biologist René Langis, Ph.D. to verify presence of suitable habitat for special-status species.

Key species that may be affected by the proposed project because of the presence of suitable habitat include the Central Coast steelhead (potential spawning and migration habitat in Coyote Creek), fall-run/spring-run chinook salmon (may be present in Coyote Creek but not expected to spawn within reach adjacent to project area), Sacramento splittail, western pond turtle, the American peregrine falcon and other nesting raptors. Potential impacts to nesting raptors will be avoided by scheduling potentially disturbing construction activities between September and February.

Suitable habitat was not found for the California red-legged frog (potential dispersal habitat, but due to presence of predatory fish, this species is not expected to occur in project area), and the California tiger salamander (potential dispersal and aestivation habitat but no breeding habitat).

The Coyote Creek riparian corridor can provide suitable habitat to the following mammals: fringed myotis bat, greater western mastiff bat, long-eared myotis bat, Pacific western big-eared bat, small-footed myotis bat, Yuma myotis bat, and riparian brush rabbit. None of these species would be significantly affected by the project since only a small area of riparian vegetation will be affected (0.05 acres) and no mature riparian trees will be removed. Further, these impacts will be temporary and the replacement of non-native species with native riparian species will significantly improve habitat value.

No suitable habitat for any potential rare or endangered plant species is known to occur within the project area.

Construction activities may present a temporary source of impact to special-status species. In addition, visitor traffic may cause occasional disturbance to these special-status species. These potential impacts will be offset by the permanent gain of habitat that will result from the enhancement of riparian and upland habitat and impacts are expected to be less-than-significant. However, the project includes additional protective measures. Accordingly, the following project elements and the implementation of Best Management Practices (BMPs) will

further reduce these potential impacts.

- To reduce potential disturbance of special-status migratory fish, no activities will be conducted in creek waters, temporary removal of vegetation cover and grading will occur before the start of the rainy season (October 15, unless permitted by CDFG and NMFS) and BMPs will be implemented to control erosion and sedimentation as described under IV (b) and in Table 1.
- To reduce potential disturbance of special-status species resulting from visitor traffic, the new facility will be operated under the direct supervision of District personnel and otherwise closed to the public. Visits will be by appointment only and conducted only on weekdays and during day-time hours. The site will be surrounded by an 8-foot fence and access will be controlled by a locked gate. The viewing platform will be located more than 25 feet above Coyote Creek waters, which is above the distance that could potentially affect migrating or spawning fish.
- To reduce potential disturbance to California red-legged frogs, California tiger salamanders and western pond turtles, a biological monitor will conduct thorough pre-construction surveys immediately before ground breaking. If individuals are found, they will be relocated by a qualified biologist according to California Department of Fish and Game or US Fish and Wildlife Service protocols. If necessary, the area will be blocked out with silt fencing to keep animals out during construction. .

| | | | | |
|---|---|---|---|---|
| (b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☑ | ☐ |

**Comment:** A 140 feet long by 15 feet wide section of the west bank would be graded to an approximate 2:1 slope (from the existing 1.5:1 slope). This activity will temporarily impact the existing riparian area by removal of vegetation but would have a beneficial long-term impact as the planted vegetation is established and covers a significant portion of the revegetated area.

A reconnaissance-level site visit, conducted on April 11, 2000 by biologist René Langis, Ph.D. indicated that 65% of the ground is covered by the non-native *Vinca major* (periwinkle), 15% by *Hedera canarensis* (Algerian ivy) and, to a lesser degree (5%), by *Rubus discolor* (Himalayan blackberry). Mature tree specimens of willows (*Salix* spp.), black cottonwoods ( *Populus balsamifera ssp. trichocarpai*), and Northern California black walnuts (*Juglans californica* var. *hinsii*) are also present. The upland habitat is characterized by ruderal grasses and herbaceous species, as well as by non-native trees indicative of previous disturbance and landscaping of the site.

The riparian area to be regraded is approximately 0.05 acre (140 feet by 15 feet). This does not represent a significant portion of the total riparian habitat available in the project area and will not cause any substantial fragmentation or isolation of sensitive wildlife habitat. This area will be revegetated with appropriate native riparian shrub and grass species, such as California grape, California fescue, and fuchsiaflower gooseberry. Although bioengineering systems will be preferred, steep slope and other geotechnical constraints may require the installation of natural or synthetic geotextile materials in combination with native vegetation. Geotextile material is routinely used in creek restoration projects and is not considered to cause

environmental impacts.

Regrading the stream bank will result in a small gain of riparian area and increase slope stability. Since the impact to the riparian vegetation will be temporary and restricted to a small area, it can be considered to be less-than-significant. BMPs described in Table 1 and below will be implemented to further protect against erosion and sedimentation of downstream riparian habitat while the vegetation cover is reestablished. Double silt fence shall be installed where grading activities would occur adjacent to the creek. The silt fences shall be installed around the perimeter of the construction area prior to the start of construction activities. However, additional BMPs may be included, such as the use of geotextiles and mats on graded area, as well as straw barriers where appropriate, to further reduce the risk of downstream sedimentation.

Because the riparian area is a sensitive habitat the project will include the removal and replacement of exotic plants with appropriate native species within the remainder of the project site. This is considered to be an environmental enhancement in accordance with the District's "Ends" Policy E-1.

Implementation and monitoring of the revegetated areas shall be per the requirements of the California Department of Fish and Game, per the section 1601 of the Fish and Game Code (Streambed Alteration Agreement) and, if required, in consultation with the U.S. Fish and Wildlife Service.

| | | | | |
|---|---|---|---|---|
| (c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project footprint will be kept outside of the US Army Corps of Engineers' jurisdiction as defined by Section 404 (Clean Water Act).

| | | | | |
|---|---|---|---|---|
| (d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project would not interfere with wildlife migration corridors. Nor would it significantly affect fish movements in creek waters by contributing to sedimentation (see Question IV (a)). Accordingly, this is considered a less-than-significant impact.

| | | | | |
|---|---|---|---|---|
| (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☑ |

**Comment:** This project would be consistent with local policies and ordinances for the protection of biological resources that apply to the project area. All healthy native trees as well as landscape ordinance-sized trees (DBH 18 inches and above at 2 feet above grade) will be preserved, unless they pose an imminent threat/danger to people or property, in compliance with the City of San Jose Heritage Tree Program and Tree Removal Ordinance. All non-native

trees, not removed during the construction phase, will eventually be replaced with appropriate native species as the need to remove them arises.

| | | | | |
|---|---|---|---|---|
| (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☑ |

**Comment:** No Habitat Conservation Plans, Natural Community Conservation Plans, or other similar plans apply to the project area; accordingly, no impact would occur.

**V. CULTURAL RESOURCES.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☑ | ☐ |
| (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The potential for cultural resources to occur in the project area was evaluated. No buildings are located on the project site. Archaeological site record information has been obtained (in May 2000) from the Northwest Center at California State University, Sonoma for previously recorded historic of prehistoric sites located within the study area. There are no recorded cultural resource sites within the subject area (Northwest Information Center, File No. 2000-363).

There is a slight potential for cultural resources to occur on the creek bank and the District has included BMPs in this project to protect these resources. If cultural resources are found, work will stop, the find evaluated for significance, recorded, and in the case of human remains with concurrence with the Most Likely Descendant (a Native American authorized to represent local tribes), reinterned in an area that is secure.

| | | | | |
|---|---|---|---|---|
| (c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☑ |

**Comment:** No unique geological features are present on the project site, and no evidence that paleontological resources may occur in the local area. Accordingly, no impact would occur.

| | | | | |
|---|---|---|---|---|
| (d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The potential exists for unknown human remains to be uncovered during regrading of the creek bank. The District has a BMP for the unexpected discovery of remains as described under V (b).

**VI. GEOLOGY AND SOILS.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☑ |
| (ii) Strong seismic ground shaking? | ☐ | ☐ | ☑ | ☐ |
| (iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The California central coast system of faults has had a complex history of movement over the past 15 to 20 million years. Santa Clara County is a region of high seismic activity. Major faults showing evidence of earthquake activity within historic time (past 200 years) or Holocene time (past 10,000 years) in relation to the site include the Hayward (4.8 miles to the northeast), San Andreas (14 miles to the southwest), Evergreen (3.6 miles to the northeast), Quimby (3.9 miles to the northeast) and Calaveras (6.2 miles to the northeast) faults (California Department of Mines and Geology 1994). These faults are considered active, and therefore have the highest probability of generating earthquakes in the future (CDMG 1994). There are several smaller pre-Quaternary faults (no evidence of movement within the past two million years) located in the vicinity of the project site. These include the Silver Creek, Coyote Creek, Monte Vista-Shannon, Sargent, Berrocal, Greenvill, Zayante-Vergeles, San Gregorio, and Ortigalita faults. The faults are located within 40 miles of project site and are potential sources of seismic shaking.

Ground failure, liquefaction, or other secondary seismic effects may occur as a result of a severe earthquake in the Bay Area. However risk associated with such an event are no greater in the project vicinity than in any other site within the Bay Area. Therefore, risk associated with the exposure of people to seismic events during field trips are no different than for any other outdoor site within the Bay Area. However, all project structures will be designed in accordance with all Uniform Building Code seismic protection measures. Therefore, this impact is considered less-than-significant.

| | | | | |
|---|---|---|---|---|
| (iv) Landslides? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Except for the creek bank, the project area is relatively flat, and therefore no impacts associated with landslides would occur.

| | | | | |
|---|---|---|---|---|
| (b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The creek banks are steep in the project vicinity, and therefore the potential for extensive water erosion exists. The potential for erosion is increased whenever construction activities expose bare soils. Construction activities on the creek bank will be conducted before the rainy season to avoid soil erosion and will include standard erosion control BMPs (as

described under IV (b), above) to further reduce the risk of erosion. In addition the project will comply with the City of San Jose grading and erosion control ordinance. The small area subjected to grading and the scheduling of bank stabilization work will result in less-than-significant impacts. The implementation of standard erosion control BMPs will further minimize potential impacts.

In addition, the regrading of the creek bank to a more stable slope and associated planting of native vegetation will reduce the potential for bank erosion. This is considered a beneficial impact.

| | | | | |
|---|---|---|---|---|
| (c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☑ | ☐ |

**Comment**: Grading the creek bank to a more stable slope and revegetation of the riparian restoration area will reduce the bank's erosion potential. This is considered a beneficial impact.

| | | | | |
|---|---|---|---|---|
| (d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project will not involve the construction of new structures for human occupancy. However, the design of footings and foundations will account for potential expansive nature of the soil in accordance with the Uniform Building Code. Therefore this impact is considered to be less-than-significant.

| | | | | |
|---|---|---|---|---|
| (e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project will not generate wastewater; accordingly, no impact would occur.

**VII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☑ | ☐ |

**Comment:** Construction of this project would not create a new hazard to the public or the environment. In fact, it would remove an existing hazard by reducing the probability of bank failure. This is considered a beneficial impact.

The type of construction activities associated with this project in general do not pose a hazardous materials risk; however, the construction equipment will require frequent refueling and lubrication maintenance. This activity would likely occur at the beginning or end of a workday when equipment is located in staging areas. The potential impacts associated with

refueling and lubrication would be minor for this project; however, the potential hazardous materials impacts could be significant if fuel, or other deleterious substance, spills occurred in sensitive habitats. To avoid the release of deleterious substances into surface waters, no fueling, cleaning, or maintenance of vehicles or equipment shall take place within banks or adjacent to Coyote Creek, in accordance with standard District BMPs.

| | | | | |
|---|---|---|---|---|
| (b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project construction will require the use of equipment fueled by petroleum products, which may be hazardous to the aquatic environment if released. Standard District BMPs described under VII (a), will minimize the potential release of hazardous substances. Only a limited amount of soils will be excavated. Excavated soils will be reused on site, however if tests show that excavated soil contains hazardous substance, the excavated material will not be reused but instead will be taken to a Class I landfill. The potential for finding hazardous materials on site is low, because the project site is located on previous residential properties. The impact is less than significant.

| | | | | |
|---|---|---|---|---|
| (c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. | ☐ | ☐ | ☐ | ☑ |

**Comment:** There is an existing school within one-quarter mile of the project area; but no hazardous emissions would be generated by the project; accordingly, no impact would occur.

| | | | | |
|---|---|---|---|---|
| (d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project site is not on the list of hazardous material sites (i.e. Cortese List) compiled pursuant to Government Code Section 65962.5. Therefore no impact to the public or the environment is anticipated.

| | | | | |
|---|---|---|---|---|
| (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☑ |
| (f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project is not located near a public or private airstrip; accordingly, no impact would occur.

| | | | | |
|---|---|---|---|---|
| (g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Construction activities will not occur on or next to public roadways and no impact is anticipated to the emergency response plan.

| | | | | |
|---|---|---|---|---|
| (h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project involves construction activities on upland areas near residential areas. Construction vehicles could contribute to wildfire by igniting seasonally dry vegetation. However, the limited extent of construction activities on dry uplands near residential areas and standard control measures such as spark arresters limit the potential for impact; accordingly, the potential impact is considered less-than-significant.

**VIII. HYDROLOGY AND WATER QUALITY.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☑ | ☐ |

**Comment:** Construction activities are regulated for water quality control through the State's General Construction Activity Stormwater Permit, issued under Section 402 of the Clean Water Act. The General Construction Activity Stormwater Permit requires that a Stormwater Pollution Prevention Plan be submitted to the Regional Board for construction activities affecting over five acres. Construction of the proposed project will affect less than five acres; however, standard District BMPs for erosion control (as described under IV (b))shall be set forth in the plans and specifications.

The project is not expected to violate water quality standards. Temporary removal of vegetation on the riparian revegetation site will be conducted during the dry season to avoid potential discharge of sediment to the creek and the impact is considered to be less-than-significant. In addition, erosion and sedimentation protection measures described under IV (b) are expected to provide further protection to water quality .

| | | | | |
|---|---|---|---|---|
| (b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not affect groundwater resources; accordingly, there would be no impact.

| | | | | |
|---|---|---|---|---|
| (c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☑ | ☐ |
| (d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project involves regrading the creek bank to a more stable slope along approximately 140 lineal feet. Accordingly, drainage patterns would be slightly altered. However given the small area (approximately 0.05 acre) to be regraded this is considered a less-than-significant impact. Regrading the streambank to a more stable slope and the associated revegation will result in a significantly reduced potential for erosion and sedimentation.

| | | | | |
|---|---|---|---|---|
| (e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project involves the revegetation of a riparian area and adjacent upland area and therefore would not create or contribute any additional runoff water.

| | | | | |
|---|---|---|---|---|
| (f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☑ | ☐ |

**Comment:** As described under VIII(a), potential construction-related water quality impacts would be less-than-significant. No other water quality impacts have been identified.

| | | | | |
|---|---|---|---|---|
| (g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would not create any new housing units.

| | | | | |
|---|---|---|---|---|
| (h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The proposed project includes structures that would be placed in the 100-year floodplain. However these structure will be compatible with occasional flooding and not impede flows. Therefore, this is a less-than-significant impact.

| | | | | |
|---|---|---|---|---|
| (i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not in any way change existing hydrologic characteristics or expose people to flooding hazards. The outdoor classroom site will not be available to the public when flood risks are highest (November to March) and will be closed when the District determines that there is a potential for flooding in the area. Therefore no impact would occur.

| | | | | |
|---|---|---|---|---|
| (j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not in any way expose people to hazards from seiches, tsunamis, or mudflows; accordingly, no impact would occur.

**IX. LAND USE AND PLANNING**: Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Physically divide an established community? | ☐ | ☐ | ☑ | ☐ |

**Comment:** Construction activities would cause temporary impacts to local residences (e.g., occasional presence of trucks and other standard construction equipment on public roadways); however, no impacts would occur once construction of the facility is complete. There would be no long-term impacts that would contribute to the disruption of the neighborhood; therefore, this is a less-than-significant impact.

| | | | | |
|---|---|---|---|---|
| (b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☑ | ☐ |

**Comment:** It is the District's judgment that the Outdoor Classroom Project is consistent with the plans policies, and regulations of the agencies with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

| | | | | |
|---|---|---|---|---|
| (c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan? | ☐ | ☐ | ☐ | ☑ |

**Comment:** No HCP or NCCP has been adopted that affects the project area; accordingly, no impact would occur.

**X. MINERAL RESOURCES**: Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☑ |
| (b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Construction of the project facility would not preclude any future development of mineral resources. Accordingly, no impact would occur.

**XI. NOISE**: Would the project result in:

| | | | | |
|---|---|---|---|---|
| (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☑ | ☐ |

**Comment**: Project-related construction noise would be audible to residences of this neighborhood. Noise levels would be in compliance with the City of San Jose Noise Ordinance. The following measures will be part of the project specifications and will insure that this impact remains at a less-than-significant level.

- Work is conducted during normal working hours (i.e. weekdays between 7:00 a.m. and 7:00 p.m.).
- No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet.
- All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
- Unnecessary idling of internal combustion engines will be strictly prohibited.
- All stationary noise generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing residences and businesses.
- Neighbors in the project vicinity will be notified of the construction schedule in writing.

| | | | | |
|---|---|---|---|---|
| (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☑ |

**Comment:** No aspect of the proposed construction activities would cause noticeable groundborne vibration or noise; accordingly, no impact would occur.

| | | | | |
|---|---|---|---|---|
| (c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☑ | ☐ |

**Comment:** Upon completion of construction activities, the proposed project would generate noise from users of the facility and the vehicles that bring them to and from the site. These noise levels are not anticipated to exceed the City of San Jose's noise standards. Therefore, this impact is considered to be less-than-significant.

| | | | | |
|---|---|---|---|---|
| (d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☑ | ☐ |

**Comment:** As described under XI(a), the proposed construction activities would generate noise in the vicinity of the project site. This impact would be temporary and District standard noise control measures will be included in project specifications. Therefore, this impact is considered to be less-than-significant.

| | | | | |
|---|---|---|---|---|
| (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☑ |
| (f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project is not located within the vicinity of a public or private airstrip. Accordingly, no impact of this type would occur.

**XII. POPULATION AND HOUSING:** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project does not involve the construction of new homes or businesses.

| | | | | |
|---|---|---|---|---|
| (b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |
| (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would not cause the relocation of any people or property; accordingly, no impact would occur.

**XIII. PUBLIC SERVICES:** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| (i) Fire protection? | ☐ | ☐ | ☐ | ☑ |
| (ii) Police protection? | ☐ | ☐ | ☑ | ☐ |
| (iii) Schools? | ☐ | ☐ | ☐ | ☑ |
| (iv) Parks? | ☐ | ☐ | ☐ | ☑ |
| (v) Other public facilities? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project could generate the need for additional police protection, however since the District will restrict access and directly supervise future activities at the site, this impact is considered to be less-than-significant.

**XIV. RECREATION.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☑ | ☐ |

**Comment:** There would be an increase in use of the William Street Park facility associated with the new facilities. However this increased use will be associated with a maximum of 20 field trips per semester and be limited to 20 to 30 students . It is anticipated that some Outdoor Classroom visitors will use the park restrooms and other park facilities. The District will coordinate the usage of the William Street Park equipment with the City of San Jose Parks Department to make sure that facilities are available and adequate during the supervised school field trips. Therefore, this impact is considered to be less-than-significant.

| | | | | |
|---|---|---|---|---|
| (b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project includes new facilities intended for supervised school field trips. The use of these facilities would generate noise from the expected 20 to 30 users and the vehicles that bring them to and from the site. A maximum of 20 visits per semester are expected and noise levels generated during these visits are not anticipated to exceed San Jose noise standards. Therefore, this impact is considered to be less-than-significant.

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project would not generate any traffic other than temporary construction trips (e.g., worker commutes, materials delivery) during the approximate five- to six-week construction period. During that period, approximately 20 workers would be present at any one time. An average of one to two trucks per day would be delivering materials (such as fill and cement) to the site with an anticipated peak of about 15 trucks over a one to two day period. Because this impact would be temporary, it is not considered significant. However, implementation of the BMP described below is expected to help ensure that the impact remains less-than-significant.

Construction signs will be posted at the entrance of the job site warning the public of construction work and to exercise caution.

In addition, a project notification will be mailed to residents within the immediate neighborhood. The notification shall include the following items:

- The expected start date and end date of construction activities and daily hours of operation.
- The names and phone numbers of people to contact if questions arise.

Long-term traffic effects associated with the occasional school field trips are not expected to be significant, as a maximum of 10 cars and/or one bus would be required for each of the 20 anticipated field trips per season (fall and spring). Consequently, road use and congestion parameters such as vehicle capacity ratios and level-of-service would not be affected. This is a less-than-significant impact.

| | | | | |
|---|---|---|---|---|
| (b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways? | ☐ | ☐ | ☑ | ☐ |

**Comment:** See XV (b).

| | | | | |
|---|---|---|---|---|
| (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not generate air traffic or contribute in any way to changes in air traffic patterns.

| | | | | |
|---|---|---|---|---|
| (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project site is not located on or next to public streets and consequently would not cause any changes that would affect traffic operations; therefore, no impact would occur.

| | | | | |
|---|---|---|---|---|
| (e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Emergency access will not be limited during construction or operation activities of the site.

| | | | | |
|---|---|---|---|---|
| (f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would not affect existing parking capacity or generate demand for additional parking. Only a few vehicles (about 10 cars and/or one bus) will require parking during facility operation. Adequate parking will be provided on-site.

| | | | | |
|---|---|---|---|---|
| (g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not conflict with policies, plans, or programs supporting alternative transportation. It is anticipated that Outdoor Classroom users would be transported by school buses or use their personal vehicle. Therefore, no impact is anticipated.

**XVI. UTILITIES AND SERVICE SYSTEMS.** Would the project:

| | | | | |
|---|---|---|---|---|
| (a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Wastewater treatment requirements would not apply to the proposed project.

| | | | | |
|---|---|---|---|---|
| (b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would cause a need to expand any water or wastewater treatment facilities.

| | | | | |
|---|---|---|---|---|
| (c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would not generate any increase in runoff, and would therefore not cause any need to expand storm water facilities.

| | | | | |
|---|---|---|---|---|
| (d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The project would use the existing water service.

| | | | | |
|---|---|---|---|---|
| (e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The proposed project would not increase the amount of sewer system capacity, and would therefore not indirectly cause a need to expand any wastewater treatment facilities.

| | | | | |
|---|---|---|---|---|
| (f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☑ | ☐ |

**Comment:** The project will generate a minor amount of solid waste associated with construction activity and vegetation removal.. Much of this material would be disposed of at an off-site landfill by the construction contractor .
During the site operation, only a limited amount of trash would be generated during the 20 field trips per semester that are projected. Trash cans would be provided and collected on a regular basis as part of a regular maintenance program. Because of the limited amount of waste material generated, this would be a less-than-significant impact.

| | | | | |
|---|---|---|---|---|
| (g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☑ |

**Comment:** Disposal of construction waste or of waste generated during the 20 field trips/semester would not conflict with solid waste regulatory requirements. Trash cans would be provided during site operation. Trash would be removed regularly as part of a regular maintenance program. This would be a less-than-significant impact

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE:**

| | | | | |
|---|---|---|---|---|
| (a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☑ |

**Comment:** This project is designed to enhance habitat for riparian species and avoid significant impacts to the environment. The project includes BMPs to further insure that impacts to the environmental factors listed above are avoided or minimized (See BMPs in Table 1 as well as Checklist items IV -Biological Resources- (a) through IV (f) and V -Cultural Resources- (a) through V (d)) during construction and operation of the Outdoor Classroom facility. Therefore, the Outdoor Classroom will have no impact on the aforementioned environmental factors.

| | | | | |
|---|---|---|---|---|
| (b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☐ | ☑ |

**Comment:** This project involves grading and restoring the creek bank within a 0.05 acre area, the construction of two small outdoor structures (gazebo and viewing platform) and replacing exotics vegetation with appropriate native plants. These activities will result in long-term beneficial impacts to the environment and will not result in cumulatively considerable impacts within the Coyote Creek Watershed.

| | | | | |
|---|---|---|---|---|
| (c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☑ |

**Comment:** The Outdoor Classroom Project is designed to provide supervised educational opportunities to the local community, especially for K-12 students. The project will have either no impact or less-than-significant impacts that would cause a substantial adverse effect on human beings. See discussion under the following items: I- Aesthetics, II- Agricultural Resources, III-Air Quality, V- Cultural Resources, VI-Geology and Soils, VII-Hazards and Hazardous Materials, VIII-Hydrology/Water Quality, IX-Land Use and Planning, X-Mineral Resources, XI-Noise, XII-Population and Housing, XIII-Public Services, XIV-Recreation, XV-Transportation and Circulation, and XVI-Utilities and Services.

## 4. DETERMINATION:

On the basis of this initial evaluation:

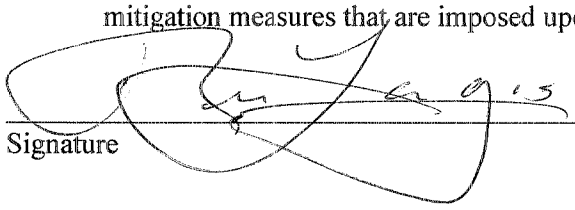
☑ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

August 22, 2000
Date

René Langis, Ph.D.
Program Biologist
Coyote Watershed Program
Santa Clara Valley Water District

# Attachment 1

## List of Trees to be Removed/Added to Coyote Outdoor Classroom Site

## *Coyote Creek Outdoor Classroom*

**Tree List**

| NUMBER | TREE SPECIES | CIRCUMFERENCE* | TREE TO BE REMOVED | CONDITION OF TREE | TREE TO BE RETAINED |
|---|---|---|---|---|---|
| 1 | CRAPE MYRTLE | 9.4" | NO | GOOD | YES |
| 2 | CRAPE MYRTLE | 12.6" | NO | GOOD | YES |
| 3 | CATALINA CHERRY | 9.4" | YES | GOOD | NO |
| 4 | ELDERBERRY | 12.6" | YES | FAIR | NO |
| 5 | ELDERBERRY | 12.6" | YES | FAIR | NO |
| 6 | COAST LIVE OAK | 9.4" | YES | GOOD | NO |
| 7 | PLUM TREE | 25.1" | YES | GOOD | NO |
| 8 | OAK TREE | 22.0" | NO | GOOD | YES |
| 9 | CATALINA CHERRY | 18.4" | YES | GOOD | NO |
| 10 | CATALINA CHERRY | 12.6 | YES | GOOD | NO |
| 11 | CATALINA CHERRY | 28.3" | YES | GOOD | NO |
| 12 | CATALINA CHERRY | 25.1" | YES | GOOD | NO |
| 13 | CATALINA CHERRY | 22.0" | YES | FAIR | NO |
| 14 | CATALINA CHERRY | 15.7" | YES | POOR | NO |
| 15 | CATALINA CHERRY | 12.6" | YES | GOOD | NO |
| 16 | CATALINA CHERRY | 18.8" | YES | FAIR | NO |
| 17 | CATALINA CHERRY | 18.8" | YES | FAIR | NO |
| 18 | CATALINA CHERRY | 31.4" | YES | GOOD | NO |
| 19 | CATALINA CHERRY | 15.7" | YES | GOOD | NO |
| 20 | CATALINA CHERRY | 25.1" | YES | GOOD | NO |
| 21 | CATALINA CHERRY | 44.0" | YES | GOOD | NO |
| 22 | CATALINA CHERRY | 28.3" | YES | GOOD | NO |
| 23 | CATALINA CHERRY | 18.8" | YES | GOOD | NO |
| 24 | CATALINA CHERRY | 22.0" | YES | FAIR | NO |
| 25 | CATALINA CHERRY | 28.3" | YES | POOR | NO |
| 26 | CATALINA CHERRY | 18.8" | YES | GOOD | NO |
| 27 | CATALINA CHERRY | 25.1" | YES | GOOD | NO |
| 28 | CATALINA CHERRY | 25.1" | YES | GOOD | NO |
| 29 | CATALINA CHERRY | 12.6" | YES | POOR | NO |
| 30 | CATALINA CHERRY | 18.8" | YES | FAIR | NO |
| 31 | CATALINA CHERRY | 28.3" | YES | FAIR | NO |
| 32 | OAK TREE | 47.1" | NO | FAIR | YES |
| 33 | WALNUT | 37.7" | NO | FAIR | YES |
| 34 | ALMOND | 34.0" | NO | FAIR | YES |
| 35 | JAPANESE MAPLE | 15.7" | NO | GOOD | YES |
| 36 | CITRUS TREE | 40.1 | NO | GOOD | YES |
| 37 | CITRUS TREE | 38.5" | NO | GOOD | YES |
| 38 | COAST REDWOOD | 62.3" | NO | GOOD | YES |
| 39 | COAST REDWOOD | 59.7" | NO | GOOD | YES |
| 40 | CARROTWOOD | 69.1" | NO | GOOD | YES |
| 41 | CRAPE MYRTLE | 12.6" | YES | FAIR | NO |
| 42 | APPLE TREE | 37.7" | YES | POOR | NO |
| 43 | APRICOT TREE | 34.0" | YES | FAIR | NO |
| 44 | OAK TREE | 44.0" | NO | GOOD | YES |
| 45 | WALNUT | 48.2" | YES | FAIR | NO |
| 46 | LOQUAT | 34.0" | NO | GOOD | YES |

## *Coyote Creek Outdoor Classroom*

**Tree List**

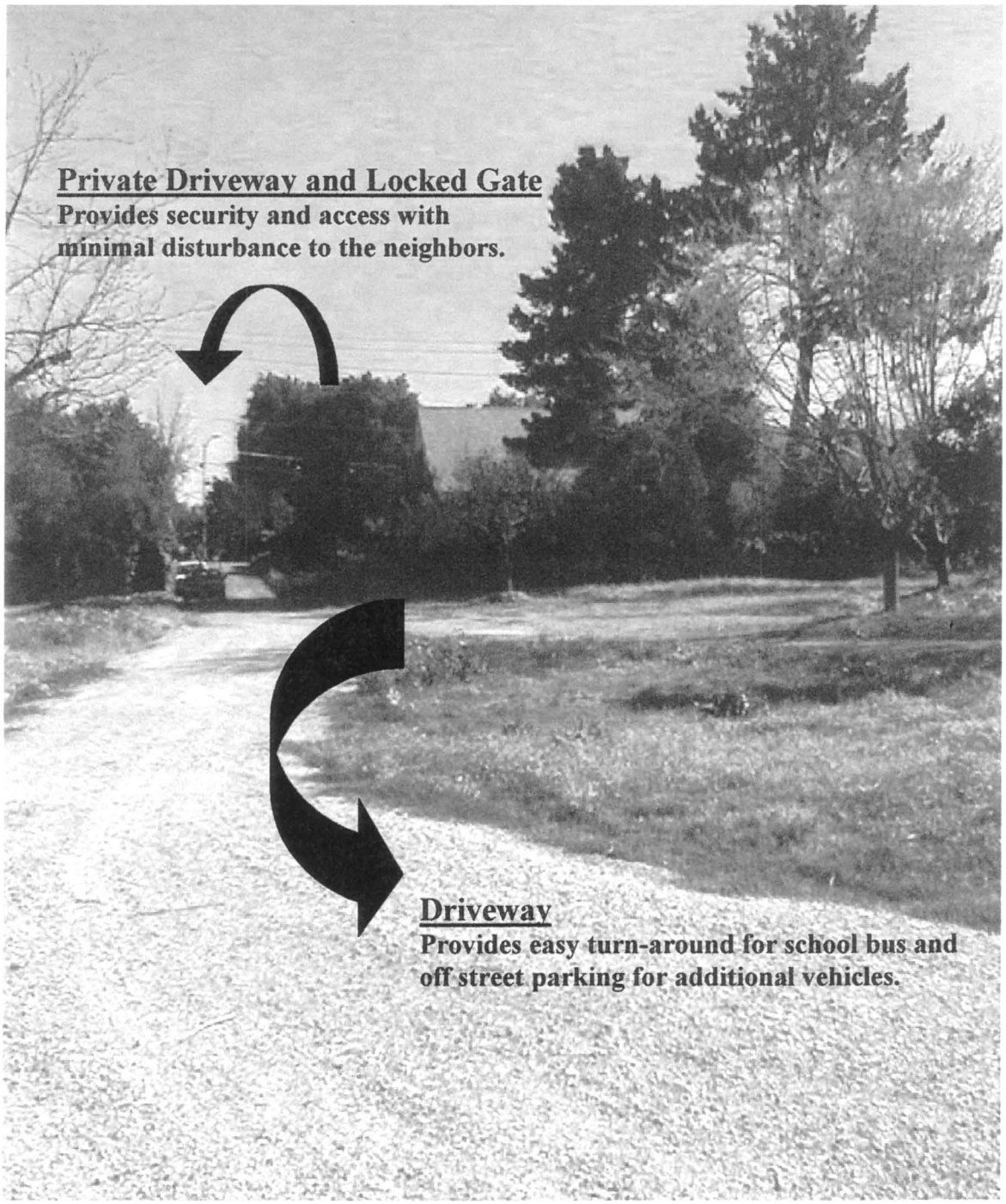
| | | | | | |
|---|---|---|---|---|---|
| 47 | MULBERRY TREE | 40.8" | NO | GOOD | YES |
| 48 | WALNUT | 44.0" | NO | GOOD | YES |
| 49 | CITRUS TREE | 47.1" | YES | FAIR | NO |
| 50 | MULBERRY TREE | 44.0" | NO | GOOD | YES |
| 51 | MULBERRY TREE | 44.0" | NO | GOOD | YES |
| 52 | CITRUS TREE | 31.4" | NO | GOOD | YES |
| 53 | CITRUS TREE | 25.1" | NO | GOOD | YES |
| 54 | ITALIAN CYPRESS | 18.8" | YES | GOOD | NO |
| 55 | ITALIAN CYPRESS | 18.8" | YES | GOOD | NO |
| 56 | ITALIAN CYPRESS | 18.8" | YES | GOOD | NO |
| 57 | ITALIAN CYPRESS | 18.8" | YES | GOOD | NO |
| 58 | ITALIAN CYPRESS | 18.8" | YES | GOOD | NO |
| 59 | ITALIAN CYPRESS | 22.0" | YES | GOOD | NO |
| 60 | GLOSSY PRIVET | 25.1" | YES | FAIR | NO |
| 61 | GLOSSY PRIVET | 25.1" | YES | FAIR | NO |
| 62 | PINE TREE | 53.4" | YES | POOR | NO |
| 63 | WALNUT TREE | 47.1" | YES | FAIR | NO |
| 64 | LOMBARDY POPLAR | 6.3" | YES | GOOD | NO |
| 65 | MULBERRY TREE | 44.0" | YES | GOOD | NO |
| 66 | PLUM TREE | 37.7" | YES | FAIR | NO |
| 67 | JUNIPER | 28.3" | YES | GOOD | NO |
| 68 | GLOSSY PRIVET | 47.1" | YES | GOOD | NO |
| 69 | GLOSSY PRIVET | 47.1" | YES | GOOD | NO |
| 70 | ITALIAN CYPRESS | 25.1" | NO | GOOD | YES |
| 71 | ITALIAN CYPRESS | 25.1" | NO | GOOD | YES |
| 72 | ITALIAN CYPRESS | 25.1" | NO | GOOD | YES |
| 73 | JUNIPER | 31.4" | YES | FAIR | NO |
| 74 | POPULUS TRICHOCARPA | 69" | NO | GOOD | YES |
| 75 | POPULUS TRICHOCARPA | 50.2" | NO | FAIR | YES |
| 76 | POPULUS TRICHOCARPA | 60" | NO | FAIR | YES |
| 77 | SALIX SPP. | 22" | NO | FAIR | YES |
| 78 | POPULUS TRICHOCARPA | 69" | NO | GOOD | YES |
| 79 | POPULUS TRICHOCARPA | 173 | NO | GOOD | YES |
| 80 | ALNUS RHOMBIFOLIA | 25" | NO | GOOD | YES |
| 81 | ALNUS RHOMBIFOLIA | 9"/16" | NO | GOOD | YES |
| 82 | POPULUS TRICHOCARPA | 59.7" | NO | GOOD | YES |
| 83 | POPULUS TRICHOCARPA | 138" | NO | GOOD | YES |
| 84 | JUGLANS HINDSII | 12.5"/12.5 | NO | GOOD | YES |
| 85 | STUMP | NA | NA | NA | NA |
| 86 | SAMBUCUS CAERULEA | 10"/10" | YES | POOR | NO |
| 87 | LIGUSTRUM LUCIDUM | 12.5"/12.5 | YES | GOOD | NO |
| 88 | JUGLANS HINDSII | 62.9" | NO | GOOD | YES |

*Circumference of tree measure two feet above the base of the tree.

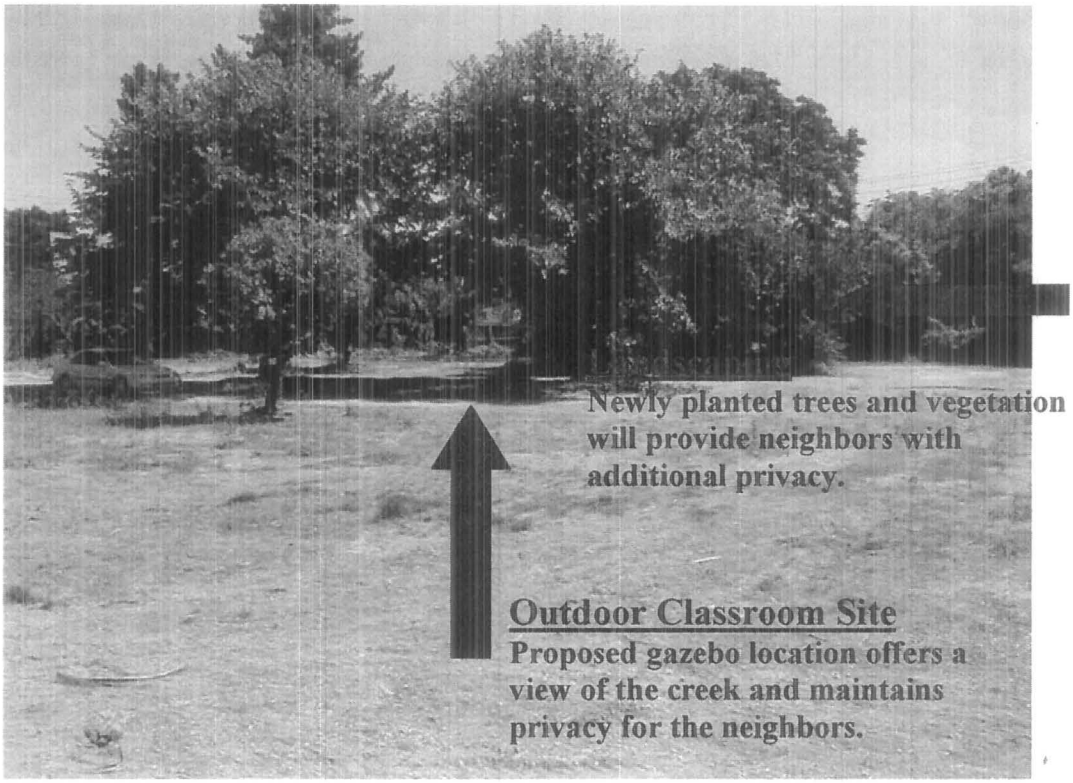
# Attachment 2

## Representative Site Photographs

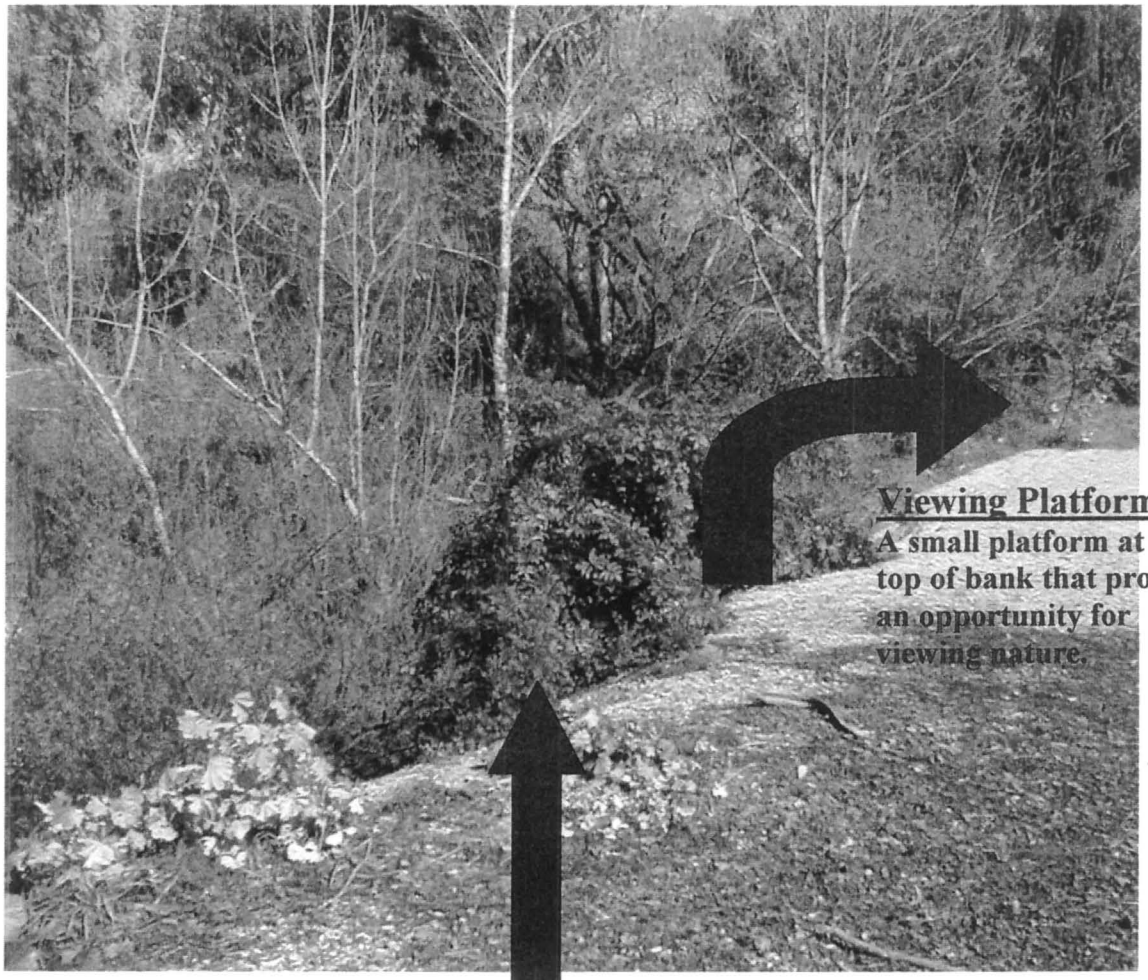
# Coyote Creek
# Outdoor Classroom Site



# Coyote Creek
# Outdoor Classroom Site



# Coyote Creek
# Outdoor Classroom Site



**Viewing Platform**
**A small platform at the top of bank that provides an opportunity for viewing nature.**

**Slope Stabilization**
**Non-native plants will be removed, the slope will be regraded, and native riparian species will be planted.**

# Appendix A

## Public Comments

# PUBLIC COMMENTS

## Introduction

The District prepared an Initial Study/Negative Declaration (IS/ND) for the Coyote Creek Outdoor Classroom Project in June 2000. This attachment contains the written comments on the June 2000 IS/ND. None of the comments received during the June public review period required a formal response, neither did the comments call for modifications of the IS/ND.

In June 2000, the District mailed copies of the Initial Study/Negative Declaration and Notice of Intent to Adopt a Negative Declaration (NOI) to 10 agencies, organizations, and individuals. In addition the NOI was published in the San Jose Mercury News and mailed to over 250 stakeholders. The District filed a NOI with the County Clerk on June 20, 2000. The public review period extended from June 21, 2000 to July 21, 2000.

A list of agencies, organizations and individuals submitting written comments on the June 2000 IS/ND is provided below. Letters received are reproduced in chronological order and Labeled A, B, C, ...

The District extends its appreciation to all who took the time and effort to submit comments.

## Persons or Organizations Submitting Comments

A. California Governor's Office of Planning and Research

B. California Department of Transportation

C. San Francisco Regional Water Quality Control Board

D. United States Department of Commerce

STATE OF CALIFORNIA

# Governor's Office of Planning and Research

## State Clearinghouse

Gray Davis
GOVERNOR

Steve Nissen
ACTING DIRECTOR

July 24, 2000

REC'D JUL 26 2000

20.2.4

Rene Langis
Santa Clara Valley Water District
2471 Autumnvale Drive, Suite G
San Jose, CA 95131

Subject: Coyota Creek Outdoor Classroom
SCH#: 2000062108

Dear Rene Langis:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 21, 2000, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

# Document Details Report
## State Clearinghouse Data Base

**SCH#** 2000062108
**Project Title** Coyota Creek Outdoor Classroom
**Lead Agency** Santa Clara Valley Water District

**Type** Neg Negative Declaration

**Description** 0.05 acre of the site along Coyote Creek bank will be regraded and revegetated with native riparian plantings. 1.5 acres of the site will be replanted with upland terrace plantings. The Outdoor Classroom will consist of a gazebo, a viewing platform, educational signs, and benches.

## Lead Agency Contact

**Name** Rene Langis
**Agency** Santa Clara Valley Water District
**Phone** (408) 586-0110 **Fax**
**email**
**Address** 2471 Autumnvale Drive, Suite G
**City** San Jose **State** CA **Zip** 95131

## Project Location

**County** Santa Clara
**City** San Jose
**Region**
**Cross Streets** William/16th
**Parcel No.** 467-050-083
**Township** 7N **Range** 1E **Section** **Base**

## Proximity to:

**Highways** 280
**Airports**
**Railways**
**Waterways** Coyote Creek
**Schools**
**Land Use** Single family residential

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Cumulative Effects; Other Issues; Drainage/Absorption; Landuse

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; State Lands Commission

**Date Received** 06/22/2000 **Start of Review** 06/22/2000 **End of Review** 07/21/2000

Note: Blanks in data fields result from insufficient information provided by lead agency

20.2.4

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
P O BOX 23660
OAKLAND, CA 94623-0660
Tel: (510) 286-4444
Fax: (510) 286-5513
TDD (510) 286-4454

RECEIVED
JUL 18 2000
STATE CLEARINGHOUSE

July 9, 2000

SCL-280-R2.20
2000062108
SCL280279

Clear
7/21/00

Ms. Rene Langis
Santa Clara Valley Water District
2471 Autumnvale Drive, Suite G
San Jose, CA 95131

Dear Ms. Langis:

**Draft Initial Study and Negative Declaration for the Coyote Creek Outdoor Classroom Project, Santa Clara Valley Water District**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Coyote Creek Outdoor Classroom Project. We have examined the environmental document for this project and have no comments. We would appreciate it if you would continue to inform us of future development projects within Santa Clara Valley.

Should you require further information or have any questions regarding this letter, please call Haiyan Zhang of my staff at (510) 622-1641.

Sincerely,

HARRY Y. YAHATA
District Director

By Jean C. R. Finney

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: State Clearinghouse

# California Regional Water Quality Control Board

## San Francisco Bay Region

Winston H. Hickox
*Secretary for Environmental Protection*

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 •• FAX (510) 622-2460

Gray Davis
*Governor*


20.2.4

Clear
7/21/00
e

Date: July 10, 2000
File No. 2188.05 (JRW)

Ms. Rene Langis
Santa Clara Valley Water District
2471Autumnvale Drive
Santa Clara, CA 95131


RECEIVED
JUL 18 2000
STATE CLEARINGHOUSE


**Re: Coyote Creek Outdoor Classroom**
**SCH# 2000062108**

Dear Ms. Langis:

We have received the above referenced Negative Declaration and offer the following comments on issues with which the Regional Board is concerned.

The proposed development would take 0.05 acres of the site along Coyote Creek bank to regrade and revegetate with native riparian plantings. 1.5 acres would be replanted with upland terrace plantings. The Outdoor Classroom would consist of a gazebo, a viewing platform, educational signs, and benches. In addition, this project proposes easement for a future pedestrian/ bicycle path.

The proposed development would not disturb more than five acres of land during construction; therefore, it need not be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). However, the Regional Board encourages and acknowledges the project sponsors' implementation of Best Management Practices (BMP's) and various other erosion control measures with regard to construction activities.

The project will impact roughly 0.05 acres of riparian habitat along Coyote Creek. As you are aware, appropriate permits related to the proposed wetland disturbance must be obtained from the U.S. Army Corps of Engineers, California Department of Fish and Game, Santa Clara Valley Water District, and the RWQCB.

The Clean Water Act outlines the order in which proposals should be approached. First, impacts to wetlands or waters of the State must be avoided to the maximum extent practicable. Second, the remaining impacts must be minimized. Finally, the remaining unavoidable adverse impacts to wetlands or waters of the State must be mitigated. Mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. Impacts to wetlands or waters of the State must be avoided to the maximum extent practicable. If the project will disturb any jurisdictional wetlands or waters of the State, you will need to obtain a Section 401 Water Quality Certification from out office.

The project sponsor is also encouraged to obtain a copy of the Bay Area Stormwater Management Agencies Association (BASMAA) design guidance manual for stormwater quality

protection, entitled, "Start at the Source." This manual is available at most city and county planning departments. I have also attached our **General Comments**, which discuss the Regional Board's area of responsibility and which should help guide the preparation of further CEQA documentation.

If you have any questions, please call Emily Guglielmo at (510) 622-2344 or email at stu26@rb2.swrcb.ca.gov.

Sincerely,

John West
Environmental Specialist
Watershed Division

cc: w/o Attach.: State Clearinghouse
Enclosure

LETTER D

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 05404

2024

July 7, 2000 F/SWO3:GRS

Rene Langis, Ph.D.
Environmental Compliance and Permit Coordinator
Santa Clara Valley Water District
2471 Autumnvale Drive, Suite G
San Jose, California 95131

Dear Dr. Langis:

Thank you for your letter of July 3, 2000, regarding the proposed construction of the Coyote Creek Outdoor Classroom Project. The Santa Clara Valley Water District proposes to develop a 1.5 acre site near Coyote Creek in the City of San Jose to be used for an Outdoor Classroom, riparian planting and upland terrace, and provide easement for a future pedestrian/bicycle path. As a result of flooding on Coyote Creek during the January 1997 storm event, three houses on the site were substantially damaged and the site has now been cleared to create 1.5 acres of contiguous open space.

My staff has reviewed the Draft Initial Study and Negative Declaration for this project dated June 2000. The Federally listed threatened Central California Coast steelhead is known to occur in Coyote Creek near the project site. However, based on the project description and its location above the ordinary high water mark, the National Marine Fisheries Service concurs with your determination that no effect to steelhead or its designated critical habitat will occur as a result of the proposed action. Should project plans change, or if additional information becomes available indicating steelhead will be affected, this determination may be reconsidered.

If you have any questions concerning these comments, please contact Mr. Gary Stern at (707) 575-6060.

Sincerely,

Patrick J. Rutten
Northern California Supervisor
Protected Resources Division

cc: NMFS-PRD, Long Beach, CA